IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23548 of 2004

Between:

Smt. Rayala Pushpavathi, W/o Venkateswara Rao,
S.H.R. Street, Sathupally Village & Mandal, Khammam District.

..... PETITIONER

AND

1 The District Collector, Khammam District, Khammam.
2 The Revenue Divisional Officer, Khammam Division,

Khammam District.
3 The Mandal Revenue Officer, Sathupally Mandal, Sathupally,
Khammam District.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly one in the name of Writ of Mandamus, declaring the action of the respondents in resorting to evict the petitioner from the lands to an extent of Ac. 1.30 Gts, in Survey No. 334/1 of Kakarlapalli village, Sathupally mandal, Khammam District without passing any order in pursuance of notice in B/4363/2004 dated 27-10-2004 of the 3rd respondent pending disposal of Writ Petition and pass such other order or orders

Counsel for the Petitioner :MR.BADANA.BHASKARA RAO

Counsel for the Respondents.: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

This writ petition is filed to declare the action of the respondents in trying to evict the petitioner from the lands in an extent of Ac.1.30 guntas in S.No.334/1 of Kakarlapalli village, Sathupally Mandal, Khammam District without following due process of law.

The case of the petitioner is that she is the owner and possessor of the land in question as per the revenue records and pattadar pass books. While so, the Mandal Revenue Officer, Sathupally, the 3rd respondent herein has issued a notice under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) 1977 (for short 'the Rules') to her on 27.10.2004 stating that she has violated the provisions of sub-section (2) of Section 3 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. To the said notice, the petitioner has already submitted her explanation along with necessary documents. The grievance of the petitioner is that without passing any orders on the explanation submitted by her, the 3rd respondent is trying to evict her from the lands in question.

Since the petitioner has already submitted her explanation to the show cause notice issued by the 3rd respondent, it is not open to the 3rd respondent to take any action against the petitioner without considering the explanation submitted by her. Hence, the writ petition is disposed of directing the 3rd respondent – Mandal Revenue Officer to consider and pass appropriate orders on the explanation submitted by the petitioner and then only proceed against her according to law. Till such time, the petitioner shall not be evicted from the land in question.

No costs.

17..12..2004

Note: Wire at party's cost

(B/o)

msv.

To

1. The District Collector, Khammam District, Khammam.
2 The Revenue Divisional Officer, Khammam Division,

Khammam District.
3 The Mandal Revenue Officer, Sathupally Mandal, Sathupally, Khammam District.

4. 2 CCs to G.P for Revenue, High Court of A.P. Hyderabad (OUT)

5. 2 CD copies.